

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Sri Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), Mahadevpur(M), Karimnagar District against the Proceedings No.C4/59/2008, dt.18.02.2009. of the Collector and District Magistrate, Karimnagar – Appeal rejected – Orders – Issued.

BACKWARD CLASSES WELFRARE (C1) DEPARTMENT

G.O.Ms.No. 4

Dated: 29 .01.2011

Read the following:

- Ref:- 1) Proceedings of the Collector and District Magistrate, Karimnagar, No.C4/59/2008, dt.18.02.2009.
2) From Sri.Bandam Yella Reddy, Appeal Petition dt.27.02.2009.
3) Memo.No.949/C1/2008, Dt.13.03.2009.
4) From the Collector&District Magistrate, Karimnagar
Lr.No.C4/59/2008, Dt.16.09.2009.
5) Government Memo No.949/C1/2009, dt.23.01.2010.
6) Government Memo No.949/C1/2009, dt.19-02.2010.
7) Government Memo No.949/C1/2009, dt.04-3-2010.
8) From the Collector&District Magistrate, Karimnagar
Lr.No.C4/59/2008, Dt.23-3.2010.
9) Government Memo No.949/C1/2009, dt.11-6-2010, dt.11-6-2010,
Dt.26-10-2010,Dt.12-11-2010 & Dt.6-12-2010.
10) Government Memo No.949/C1/2009, dt.21-12-2010,

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ORDER:

In the reference 1st read above ,the Collector & District Magistrate, karimnagar has stated that Sri Bandam Thirupahi Reddy has filed a W.P. in the Hon'ble High Court of A.P praying, to cause an enquiry under Sec.5 of AP (SC, ST, BC) Regulation of Issue of Community, Nativity and Date of Birth Certificates in to Fake Caste certificate submitted by Sri Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), of Mahadevpur Mandal who was elected as Sarpanch in the GramPanchayat Elections held in 2006 by submitting a Bogus/Forged BC “Gandla” Certificate.

2) In this regard the Revenue Divisional Officer, Manthani has enquired into the matter and submitted a report stating that the post of Sarpanch for Ambatpalli (V) of Mahadevpur (M), Karimnagar Dist., was reserved for BC General in GP Election 2006. Sri Bandam Yellareddy has contested and elected as Sarpanch in G.P elections 2006 against one Sri Bandam Thirupathi Reddy. On verification of Inward Register caste certificate issue register of 2000 of MRO office Mahadevpur, it was noticed that the name Bandam Yellareddy S/o Nagaiah was not found at Sl.No.78 of the register. The caste certificate bearing no.C/78/2000, dt.30.06.2000 submitted by Sri B.Yella Reddy S/o Nagaiah is created one and purported to have been issued with forged signature of Sri M.A.Shameem, the then Mandal Revenue Officer, Mahadevpur who worked for a period from 12/1999 to 07/2000. The local inquiry in the matter revealed that, Sri Bandam Yella Reddy did not belong to “Gandla” (BC) caste, but belonged to “Reddy Gandla” OC.

3) The Dy. Superintendent of Police, CID, RCIU, Karimnagar who has also conducted the enquiry has also submitted his report informing that as per records of Mandal Parishad Primary School, (MPPS) Ambatpalli, Sri Bandam Yella Reddy was studied 1st to 7th class during the year 13.07.1972 to 21.06.1979, his admission No.96 and his caste is Reddy Gandla, his daughter name Kum. Bandam Mounika, D/o Bandam Yella Reddy, who is studying in 7th class at ZPHS, Ambatipalli during the academic year 2007-08 , her caste is

Reddy Gandla and as per record of Tahsil office, Mahadevpur Mandal. Bandam.Yella Reddy's caste is "Reddy Gandla" and oral enquiry made with villagers, it is revealed that the BandamYella Reddy is Reddy Gandla by caste which comes under O.C.

4) Consequently the case was referred to the DLSC. On 23.02.2008 the DLSC meeting was conducted. The caste certificate was examined and verified by the Committee with the inward register (1999-2000) of Mahadevpur Mandal page No.178 where the number quoted in the caste certificate does not tally with the entries in the inward register. The caste certificate supposed to be issued by the MRO does not contain the official seal of the MRO. On the request of the Advocate for the individual the DLSC meeting was posted for further hearing on 15.03.2008 and finally heard on 28.01.2009.

On the day of DLSC meeting held on 28.01.2009, the Advocate for the individual has filed his written arguments before the Committee informing that the Returning Officer/Stage-1 Election Officer has not considered the caste certificate furnished by the individual during the nomination. Subsequently, the individual preferred an Appeal before the Election Nomination Appellate Tribunal – Cum – RDO, On 23.02.2008 the DLSC meeting was conducted. The caste certificate was examined and verified by the Committee with the inward register (1999-2000) of Mahadevpur Mandal page No.178 where the number quoted in the caste certificate does not tally with the entries in the inward register. The caste certificate supposed to be issued by the MRO does not contain the official seal of the MRO. On the request of the Advocate for the individual the DLSC meeting was posted for further hearing on 15.03.2008 and finally heard on 28.01.2009.

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The Advocate for the individual further stated that initially the "Gandla" caste was crushing Oil seeds engaging two bulls as per their capacity, somebody were crushing Oil seeds with one Bull. Therefore, the people who were crushing Oil seeds with two bulls were called as "Rendu-Edla-Gandla" and "Onti-Eddu-Gandla" by a single Bull, due to lapse of time and speedy utterance it has become "Reddigandla". He, finally defended that the individual belongs to "Gandla" caste.

The DLS Committee have given their findings informing that after verification of connected enquiry records i.e., Inward Register and caste Issue Register (1999-2000) of Mahadevpur Mandal it is revealed that the individual has not been issued any caste certificate from the MRO, Mahadevpur vide No.C/78/2000, dt.30.06.2000, as if he belonging to "Gandla" caste. It was also revealed that in the enquiry conducted by the Dy. Superintendent of Police, CID, RCIU, Karimnagar and RDO, Manthani, the individual belong to "Reddy Gandla" which is a O.C. community and not included in any category of SC, ST, BC community lists. Thus, the individual has not submitted any evidences to prove his claim as he belongs to "Gandla" caste as claimed by him, on the following grounds as appeared against him on record and the enquiry of the DLSC:-

i) On verification of Inward Register and Caste Certificate Issue Registers of 2000 of MRO's Office, Mahadevpur, the name Bandam Yella Reddy S/o Nagaiah was not found at Sl.No.78 of that register, as claimed.

ii) The Caste certificate bearing No.C/78/2000, dt.30.06.2000 submitted by Sri B.Yella Reddy S/o Nagaiah is found to be a created one and purported to have been issued with forged Signature of Sri M.A.Shameem, the then Mandal Revenue Officer, Mahadevpur who worked for a period from December'1999 to July'2000.

iii) The local inquiry in the matter revealed that, Sri Bandam. Yella Reddy does not belong to “Gandla” (BC) Caste, but belongs to “Reddy Gandla” which is not included in BC community list.

5) In view of the observations and the above reports, the DLSC unanimously decided and confirmed that after perusing the record of evidence and evidences produced by Sri Bandam. Yella Reddy, S/o Nagaiah, R/o Ambatpalli(V) of Mahadevpoor(M) that he belongs to “Reddy Gandla” (O.C.) caste but not “Gandla” (BC-B) community .It is clearly established that he has created a forged BC community certificate as if he belongs to “Gandla” BC-B group stated to have been issued by the MRO, Mahadevpoor which is liable to be cancelled.

6) Keeping in view the report of the RDO,Manthani, the Dy.S.P,CID,Karimnagar and the opinion of the DLSC, and after examining the explanation submitted by Sri Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), MahadevpoorM), Karimnagar District, the District Collector,Karimnagar has cancelled the BC Caste certificate issued in favour of Sri.Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), Mahadevpoor(M), Karimnagar District, and directed the Tahasildar, Mahadevapoor to register a criminal case in the Police Station as the individual Sri Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), MahadevpoorM), Karimnagar District for creating a forged BC-B(Gandla) community certificate,under Section 10 of the Act,16/93 read with Rule 15(a)7(b of AP(SCs,STs & BCs) Issue of Community, Nativity and Date of Birth Certificates Rules,1997 vide ref 1st read above.

7) Aggrieved by the orders of the Collector & District Magistrate, Karimnagar, Sri Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), MahadevpoorM), Karimnagar District, has filed an Appeal petition before the Government, under Rule 11 of the AP SCs,STs & BCs Issue of the Community, Nativity & Date of Birth Certificate Rules,1977, and requested to suspend the orders passed by the District Collector, Karimnagar, pending disposal of the Appeal Petition and pass such other suitable order or orders in the circumstances of the case.

8) The Government vide reference 3rd read above has called for the records in the matter.

9) In the reference 4th read above, the Collector & District Magistrate, Karimnagar, has furnished the records along with Para-wise remarks on the appeal petition.

10) The applicant Sri.Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), MahadevpoorM), Karimnagar District in his appeal petition has submitted the following grounds in support of his social status as ‘Gandla (BC-B):-

a) The order under appeal is contrary to Law weight of the evidence and probabilities of the case and violative of principles of natural justice.

b) The District Collector passed impugned order without serving the so called enquiry reports and other documents relied on in notice and impugned proceedings, which is in violation of principles of natural justice.

c) The so called enquiry and submission of enquiry report are behind the back of appellant and entire enquiry was conducted by Joint Collector but impugned order is passed by District Collector though Show cause notice is issued by Joint Collector.

d) The so called scrutiny committee has not followed the procedure before conducting enquiry and no opportunity was given to appellant, which is also violative of principles of natural justice.

e) The entire invention of proceedings is at the instance of Respondent No.4 is also from same caste.

f) The authorities should have seen that certificate is issued in the year 1986 and without proper enquiry and the said certificate is cancelled.

g) All the acts previously done and the previous G.Os/Memorandums/Executive instructions continued to be valid not with standing the issuance of fresh executive instructs/G.Os/Govt. Memo's by virtue of Rule 20 of A.P. (SC, ST and BC) issue of Community, nativity and Date of Birth Certificate Rules, 1997. Hence, the certificate once issued as per the G.O in force at the relevant time (1986) could not be cancelled on the basis of G.O.Ms.No.166, Social Welfare Dept., dt.17.08.1986 and amended list as on 31.12.1997. This G.O. cannot have retrospective effect and cannot take away the right accrued to him.

h) The subject certificate was issued in the year 1986 and the proceedings for cancellation could not have been taken up after the lapse of more than 26 years. The entire proceedings are therefore vitiated and are without Jurisdiction as per the decision reported in 2002 (2) ALD page, and 163 and AIR 1994 AP page 238. the present action violates the Art.21 of Constitution of India.

i) The District Collector, Karimnagar Dist., failed to take note of the fact that the records prior to 1986 was not discussed in the subject order, thus, the entries therein continued to have the course of law.

j) The Tahasildar, Mahadevpur (M), Karimnagar Dist., ought to have seen that the whole proceedings initiated at the behest of Bandam Thirupathi Reddy, S/o Chandraiah, Ambatpalli (V), Mahadevpur (M), Karimnagar Dist., who is rival contestant and due to personal rivalry, he intended to wreck personal vengeance out of greedy eye.

k) The procedure followed by the Tahasildar, Mahadevpur (M), Karimnagar Dist., is erroneous and against to the law and in ignorance of several material facts.

11. In the reference 5th and 6th read above, the appellant was requested to attend the hearing on 3-4-2010. Sri.B.Yella reddy attended the hearing and submitted a representation before Hon'ble M(BCW) during the hearing of the case. The Hon,ble M(BCW) has ordered to obtain a report .

12) In the reference 9th and 10th read above, the appellant was requested to attend the hearing . Hon'ble M(BCW) has authorized the Prl.Secretary,BCWelfare to conduct the hearing and dispose off the case, as he is engaged with the Government programmes on 24-01-2011. Sri.B.Yella reddy attended the hearing and submitted a representation before the Prl.Secretary,BC Welfare during the hearing of the case on 24-01-2011.

13) Government after hearing the appeal in detail and careful examination of the representation of Sri.Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), Mahadevpur (M), Karimnagar and the report of the Collector & District Magistrate, Karimnagar in detail have come to the conclusion that the appellant Sri Sri Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), Mahadevpur (M), Karimnagar belong to Reddy Gandla(OC)Caste but not Gandla BC-B community and the community certificate in question is forged one.

14) Accordingly, Govt., hereby reject the appeal petition filed by Sri Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), Mahadevpur (M), Karimnagar in exercise of the powers conferred under Section 7(2) of A.P. (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993, and Rules, 1997 and uphold the Proceedings of the District Collector, Karimnagar, No.C4/59/2008, Dt:18-2-2009.

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15) The original records (containing pages CF.418,NF.16) received through the reference 3rd read above are returned herewith to the Collector & Dist. Magistrate, Karimnagar and the receipt of the same shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRAPRADESH)

HIRALAL SAMARIYA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Bandam Yella Reddy, S/o Nagaiah, R/o Ambatpalli (V), Mahadevpoor(M),
Karimnagar District.
The Collector& District Magistrate,Karimnagar.(w.e)
The Director, B.C.Welfare, Hyderabad
The Mandal Revenue Officer, Mahadevpoor, Karimnagar(Dist),
Copy to:
The Govt pleader for Social Welfare,High Court of AP,Hyderabad
The Social Welfare(CV-I) Department
The OSD to M (BCW)
The PS to Prl. Secy., BCWD
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER